

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: DAVID ALLEN LESHER, : Case No.18-17755REF
Debtor : Chapter 13

ORDER

AND NOW, this 13 day of December, 2018, it appearing from a review of the official court docket and file in this case that Debtor filed this Chapter 13 petition on November 26, 2018, but that that Debtor did not file a Certificate of Credit Counseling that indicates that Debtor received credit counseling from an approved nonprofit budget and credit counseling agency, as described in 11 U.S.C. §111(a), within the 180 day period preceding the date he filed this chapter 13 bankruptcy petition, and after a Show Cause hearing held today, at which Debtor appeared, and during which I: (1) Dismissed this case without prejudice because Debtor failed to obtain credit counseling within the 180 day period preceding the date he filed this chapter 13 bankruptcy petition,¹ both as required by 11 U.S.C. §109(h)(1) and as described by the Court in In re DiPinto, 336 B.R. 693 (Bankr. E.D.

¹11 U.S.C. §109(h)(1) requires that a debtor receive credit counseling from an approved nonprofit budget and credit counseling agency during the 180 day period **preceding** the date that the bankruptcy petition is filed. Debtor testified that he obtained credit counseling **after** he filed his bankruptcy petition. This does not satisfy the jurisdictional requirements of section 109(h)(1), however, because Debtor obtained the credit counseling **after** he filed this bankruptcy petition. As I advised Debtor during today's hearing, if he decides to file a new bankruptcy petition, he may use the credit counseling certificate he receives from the credit counseling session he already attended, provided he files his new bankruptcy petition within 180 days of the date he received the credit counseling.

Pa. 2006); and (2) directed that, should Debtor file a new bankruptcy petition within 180 days from the date of this Order, \$100 of the filing fee be WAIVED.

IT IS HEREBY ORDERED that the bench Order I entered today DISMISSING THIS CASE WITHOUT PREJUDICE IS AFFIRMED, RESTATED AND ADOPTED HEREIN.

BY THE COURT

A handwritten signature in black ink, appearing to read 'R. Fehling', written over a horizontal line.

RICHARD E. FEHLING

Chief United States Bankruptcy Judge